

\*\*E-Filed 7/1/2010\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

QUIA CORPORATION,

Plaintiff/Counter-Defendant,

v.

MATTEL, INC. and FISHER-PRICE, INC.,

Defendants/Counter-Plaintiffs.

Case Number C 10-1902 JF (HRL)

ORDER<sup>1</sup> GRANTING REQUEST FOR  
APPROVAL OF DISCLAIMER FOR  
ONLINE ADVERTISING

[RE: Dkt. No. 65]

On June 15, 2010, the Court denied Plaintiff's motion for preliminary injunction on the condition that Defendants include the following disclaimer on all of their proprietary websites where iXL is and will be offered for sale and in all of their first-party advertising for the iXL and iXL software:

Fisher-Price's iXL Learning System and related software bear no relationship to IXL, "The Web's #1 Math Practice Site," owned and operated by Quia Corporation and accessible at <http://www.ixl.com>.

June 15 Order at 18. On June 28, 2010, Defendants filed a notice of compliance and a request

<sup>1</sup> This disposition is not designated for publication in the official reports.

1 for approval of the following revision of the disclaimer in the Court's order:

2 Fisher-Price's iXL Learning System and related software bear no relationship to  
3 the IXL Online "Math Practice Site," owned and operated by Quia Corporation  
and accessible at <http://www.ixl.com>.

4 Dkt. No. 65 at 1. The Court approves of Defendants' revision, particularly in light of the  
5 deposition testimony of Plaintiff's president indicating that the characterization of IXL as "The  
6 Web's #1 Math Practice Site" is based only on the president's opinion. *See id.* at 1 (citing  
7 Mishkin Depo. 49:6-52:15).

8 IT IS SO ORDERED.

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10 DATED: July 1, 2010

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JEREMY FOGEL  
United States District Judge